

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

NORTHERN DYNASTY
MINERALS LTD. and PEBBLE
LIMITED PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL PROTECTION
AGENCY,

Defendant.

Case No. 3:24-cv-00059-SLG

DECLARATION OF NICOLE ALEXANDRIA SCHMITT

I, Nicole Alexandria Schmitt, hereby declare:

1. I make this declaration in support of the Alaska Wildlife Alliance's (AWA) Motion to Intervene in the above-captioned litigation. I know these facts of my own personal knowledge and would competently testify to them if called as a witness in these proceedings.

2. My name is Nicole Alexandria Schmitt. I reside in Anchorage, Alaska. I have a BA in International Development and Geography from the University of Denver and have performed research on pesticide contamination in Peking University in Beijing, China. I have worked as a commercial fisherwoman, set netting in Kasilof, Alaska and Prince William Sound; as a Geographic Information System intern for Kenai National Wildlife Refuge; a backcountry surveyor in Yosemite National Park; and as the Grants

Management and Development Officer at Global Greengrants Fund in Boulder, Colorado.

3. I am the Executive Director of AWA, a 501(c)(3) organization, and have been with the organization since 2018. I joined AWA in the fall of 2018 as Director of Programs and Development and became Executive Director in 2020. In my role as Executive Director, I am responsible for all facets of the organization's operational and developmental needs, including program development and implementation, outreach and education, stakeholder and community engagement, donor relations, coalition building, and day-to-day administration. I oversee our administrative work, including providing public testimony and comments and developing wildlife management proposals, and overseeing the organization's finances, which includes budgeting, management of all development strategies, drafting grant requests and reports, and handling donor/membership relations. I also supervise all staff and volunteers, organize educational events, and coordinate citizen science programs. My role includes the management of several coalitions that include hunters, nonprofits, educators, and representatives from the tourism industry. Throughout my time at AWA, I have co-authored two publications: Schmitt et al., *A RADical Approach to Conservation in Alaska*, 16 WILDLIFE PROFESSIONAL 26 (2022); and Schmitt et al., *Impact of Climate Change on Alaska Natives*, 86 J. OF ENVIRONMENTAL HEALTH 36 (2023).

4. I have been a member of AWA since 2013 because their mission aligns with my beliefs regarding wildlife management in Alaska. AWA is the only Alaskan organization addressing core wildlife management policies and decisions by the State of Alaska (State), and I support their work and the other Alaskans who want moderate and reasonable management for all wildlife.

5. In addition to my role as Executive Director at AWA, I am currently a consultant researcher for Safeguard Marine, LLC, where I have worked on a project-by-project basis since 2014, performing ship (cargo and oil tanker) risk mitigation in Alaska. My previous projects have included analyses of barge construction at the Port of Alaska, viability of anchoring in “Ports of Refuge” in Prince William Sound, and tug operations out of Valdez for Prince William Sound Regional Citizens’ Advisory Council.

6. AWA is committed to the protection of Alaska’s natural wildlife for its intrinsic value, as well as for the benefit of present and future generations. We advocate for healthy ecosystems that are ethically and scientifically managed.

7. As of December 31, 2023, AWA had 401 members.

8. AWA engages heavily in the State’s management of wildlife, particularly at the Alaska Board of Game (Board of Game) and Alaska Board of Fish (Board of Fish). We seek sustainable management of wildlife, including regulations for commercial, recreational, and subsistence hunting and fishing. One example of this advocacy comes from March 2024, when AWA’s proposal to reduce the commercial harvest of forage fish

in Cook Inlet passed the Board of Fish. We assess fisheries and wildlife management systems for ecosystem health and propose alternatives when a management scheme is not sustainable. While we conduct this work across the state, many of our members and supporters have a special interest in protecting Bristol Bay area bears and salmon. As such, we have commented and testified on numerous wildlife management proposals in the region, mostly concerning wolf and bear harvest. Additionally, we assess habitat impacts of development for all species in the Bristol Bay area.

9. AWA is concerned about the impacts of the proposed Pebble Mine because Bristol Bay has the largest and one of the last sustained salmon runs in Alaska. The region also hosts extraordinary biodiversity. We are concerned about mine contaminating habitat for multiple species, the disruption of habitat by development, and increased outside hunting access through mine infrastructure.

10. AWA has organized education and outreach events about the Pebble project, including amplifying social media posts from the statewide No Pebble Coalition and hosting events, such as our 2021 Valentine's Day Wildlife Wednesday: Bristol Bay, Be our Valentine. In celebration of Bristol Bay's wildlife, we hosted three speakers to learn about wildlife in Bristol Bay and how the public can help protect them. Presentations included: Drew Hamilton from Friends of McNeil River discussed Bristol Bay bears and their connection to salmon; AWA's Deputy Director presented information on beluga whales in Bristol Bay; and Anne Coray discussed her personal

history with the Bristol Bay area and shared excerpts from her debut novel, a love story set in a remote, fictional artists' community in Southwest Alaska and inspired by the Pebble Mine project.

11. Since 2018, AWA's advocacy activity in opposition to the proposed Pebble Mine included action alerts to members regarding public hearings on the Pebble draft Environmental Impact Statement in Naknek, Kokhanok, Igiugig, Anchorage, Newhalen, New Stuyahok, and Nondalton. In December 2020, AWA sent an action alert to members urging them to contact the Environmental Protection Agency (EPA) and urge EPA to use its "Veto Authority" under Section 404(c) of the Clean Water Act and determine that the Pebble Mine's use of wetlands for disposal "would have an unacceptable adverse impact on one or more of various resources, including fisheries, wildlife, municipal water supplies, or recreational areas." AWA's former Board President, Ed Schmitt, also gave an interview with Resistance Radio about concerns over Pebble Mine.

12. In September 2022, AWA submitted comments in support of EPA's Proposed Determination protecting Bristol Bay and encouraged members to do the same through social media, website, and newsletter action alerts. AWA continues to amplify public comment opportunities regarding Pebble Mine and Bristol Bay and pursue public education on the value of wildlife in Bristol Bay.

13. AWA is also a member of a Bear Coast Coalition to support bears and habitat on the entire Alaska Peninsula, and comments and testifies on Bristol Bay area

wildlife management proposals every three years (following the State's management cycle).

14. AWA's members, board, and staff use the Bristol Bay area. AWA's Deputy Director conducted beluga research in Bristol Bay and two of our Board members have visited the region. We have many members who live in, work, or recreate in the Bristol Bay area.

15. My partner has tendered in Bristol Bay and many of our friends would be impacted by any disruption to the fishery. In the winter, my partner works for a boat-building company that services primarily Bristol Bay fishing boats. In my daily life, Pebble development would greatly diminish our capacity to ensure biodiversity is upheld in Alaska. While Bristol Bay remains relatively undeveloped, we have few concerns for keystone species there. However, if the mine is developed, we have serious concerns about the local beluga and bear populations. Mine development would require us to monitor, research, and advocate for conservation in the Board of Fish and Board of Game process, and as species under stress require. This work would pull resources away from our other wildlife programs.

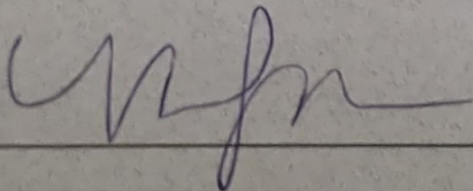
16. AWA and its members are not adequately represented by EPA in this lawsuit. While we support EPA's Final Determination, we can only be sure that our interests are protected by participating in the lawsuit as a party. EPA has changed course before, as in 2017 when it abruptly withdrew its Proposed Determination after a change

in administration. Agency leadership could change again during the pendency of this lawsuit, especially in light of the upcoming November 2024 election. Only by intervening and gaining the rights of a party can AWA be sure that its interests and those of its members are protected.

17. AWA seeks to intervene in this lawsuit to ensure the Bristol Bay watershed and its wildlife continue to thrive and our interests in the region's communities and fisheries remain intact. The Final Determination protects Bristol Bay from large-scale mining, such as Pebble Mine, that would cause irreparable harm. It is important that AWA be involved in this lawsuit to ensure that our interests and our members' interests are protected and that the Final Determination is allowed to stand.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 3 day of May, 2024 in Anchorage, Alaska.



Nicole Alexandria Schmitt

DECL. OF NICOLE A. SCHMITT

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